

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KALVIN JOSEPH GOBERT,

Defendant.

CR 15-75-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Calvin Joseph Gobert (Gobert) has been accused of violating the conditions of his supervised release. Gobert admitted the alleged violations. Gobert's supervised release should be revoked. Gobert should be placed in custody for 3 months, with 33 months of supervised release to follow. Gobert should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

**II. Status**

Gobert pleaded guilty to being an Unlawful User of a Controlled Substance

While Possessing a Firearm on January 7, 2016. (Doc. 32). The Court sentenced Gobert to 27 months of custody, followed by 3 years of supervised release. (Doc. 41). Gobert's current term of supervised release began on December 1, 2017. (Doc. 44 at 1).

### **Petition**

The United States Probation Office filed a Petition on February 12, 2019, requesting that the Court revoke Gobert's supervised release. (Doc. 44). The Petition alleges that Gobert violated the conditions of his supervised release: 1) by consuming alcohol; 2) by using methamphetamine; 3) by failing to report for substance abuse testing; 4) by failing to report for substance abuse treatment; 5) by failing to report for sex offender treatment; and 6) by failing to notify his probation officer of a change in residence. (Doc. 44 at 1-2). United States District Judge Brian Morris issued a warrant for Gobert's arrest. (Doc. 45).

### **Initial appearance**

Gobert appeared before the undersigned for his initial appearance on February 26, 2019. Gobert was represented by counsel. Gobert stated that he had read the petition and that he understood the allegations. Gobert waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on February 26, 2019. Gobert admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol; 2) by using methamphetamine; 3) by failing to report for substance abuse testing; 4) by failing to report for substance abuse treatment; 5) by failing to report for sex offender treatment; and 6) by failing to notify his probation officer of a change in residence. The violations are serious and warrant revocation of Gobert's supervised release.

Gobert's violations are Grade C violations. Gobert's criminal history category is I. Gobert's underlying offense is a Class C felony. Gobert could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

### **III. Analysis**

Gobert's supervised release should be revoked. Gobert should be incarcerated for 3 months, with 33 months of supervised release to follow. Gobert should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

#### **IV. Conclusion**

The Court informed Gobert that the above sentence would be recommended to Judge Morris. The Court also informed Gobert of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Gobert that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Gobert stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Calvin Joseph Gobert violated the conditions of his supervised release by consuming alcohol, by using methamphetamine, by failing to report for substance abuse testing, by failing to report for substance abuse treatment, by failing to report for sex offender treatment, and by failing to notify his probation officer of a change in residence.

The Court **RECOMMENDS:**

That the District Court revoke Gobert's supervised release and commit Gobert to the custody of the United States Bureau of Prisons for a term of imprisonment of 3 months, with 33 months of supervised release to follow. Gobert should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

#### **NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and

Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 27th day of February, 2019.



John Johnston  
United States Magistrate Judge